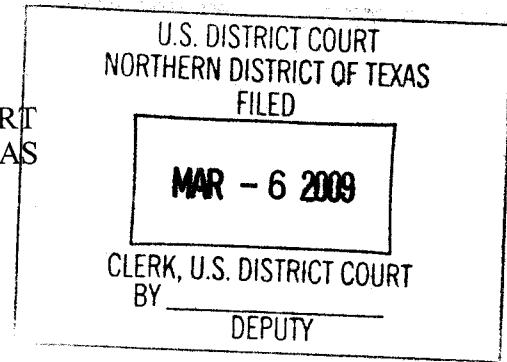


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



JOEY DAVID SMITH

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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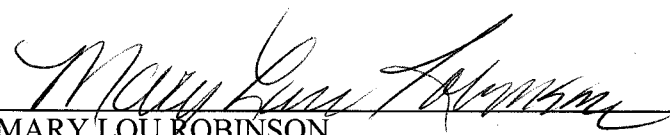
**ORDER OVERRULING OBJECTIONS,  
ADOPTING REPORT AND RECOMMENDATION  
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On February 20, 2009, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that habeas relief be denied. Petitioner filed objections to the Report and Recommendation on March 4, 2009.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by petitioner to the Report and Recommendation. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 6<sup>th</sup> day of March 2009.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE